

SUPPRESSION OF AFRICAN SLAVE TRADE

*Additional convention and annex signed at Washington June 3, 1870,
modifying treaty of April 7, 1862*

Senate advice and consent to ratification July 8, 1870

Ratified by the United Kingdom July 16, 1870

Ratified by the President of the United States July 19, 1870

Ratifications exchanged at London August 10, 1870

Entered into force August 10, 1870

Proclaimed by the President of the United States September 16, 1870

*Terminated April 29, 1923*¹

16 Stat. 777; Treaty Series 131

ADDITIONAL CONVENTION TO THE CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN, OF THE 7TH OF APRIL, 1862, RESPECTING THE AFRICAN SLAVE TRADE

The United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having come to the conclusion that it is no longer necessary to maintain the three mixed courts of justice, established at Sierra Leone, at the Cape of Good Hope, and at New York, in pursuance of the treaty concluded at Washington, on the 7th day of April, 1862,² for the suppression of the African slave trade, they have resolved to conclude an additional convention for the purpose of making the requisite modifications of the said treaty, and have named as their plenipotentiaries, that is to say: The President of the United States of America, Hamilton Fish, Secretary of State, and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Edward Thornton, Esquire, Companion of the Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

Everything contained in the treaty concluded at Washington on the 7th of April, 1862, between the United States of America and her Majesty

¹ Pursuant to notice of termination given by the United Kingdom Apr. 27, 1922.

² TS 126, *ante*, p. 136.

the Queen of the United Kingdom of Great Britain and Ireland, for the suppression of the African slave trade, and in the annexes A and B thereto, which relates to the establishment of three mixed courts of justice at Sierra Leone, at the Cape of Good Hope, and at New York, to hear and decide all cases of capture of vessels which may be brought before them as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, as well as to the composition, jurisdiction, and mode of procedure of such courts, shall cease and determine as regards the said mixed courts, from and after the exchange of the ratifications of the present additional convention, except in so far as regards any act or proceeding done or taken in virtue thereof, before this additional convention shall be officially communicated to the said mixed courts of justice. The said courts shall nevertheless have the power, and it shall be their duty, to proceed with all practicable dispatch to the final determination of all causes and proceedings which may be pending, and undetermined in them, or either of them, at the time of receiving notice of the ratification of this convention.

ARTICLE II

The jurisdiction heretofore exercised by the said mixed courts in pursuance of the provisions of the said treaty shall, after the exchange of the ratifications of the present additional convention, be exercised by the courts of one or the other of the high contracting parties according to their respective modes of procedure in matters of maritime prize; and all the provisions of the said treaty with regard to the sending or bringing in of captured vessels for adjudication before the said mixed courts, and with regard to the adjudication of such vessels by the said courts, and the rules of evidence to be applied and the proceedings consequent on such adjudication, shall apply, *mutatis mutandis*, to the courts of the high contracting parties. It is, however, provided that there may be an appeal from the decision of any court of the high contracting parties, in the same manner as by the law of the country where the court sits is allowed in other cases of maritime prize.

ARTICLE III

It is agreed that in case of an American merchant vessel searched by a British cruiser being detained as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, she shall be sent to New York or Key West, whichever shall be most accessible for adjudication, or shall be handed over to an United States cruiser, if one should be available in the neighborhood of the capture; and that in the corresponding case of a British merchant vessel searched by a United States cruiser being detained as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, she shall be sent for adjudication to the nearest or most accessible British colony, or shall be handed over to a British cruiser, if one should be available in the neighborhood of the capture.

All the witnesses and proofs necessary to establish the guilt of the master, crew, or other persons found on board of any such vessel, shall be sent and handed over with the vessel itself, in order to be produced to the court before which such vessel or persons may be brought for trial.

All negroes, or others, (necessary witnesses excepted,) who may be on board either an American or a British vessel for the purpose of being consigned to slavery, shall be handed over to the nearest British authority. They shall be immediately set at liberty, and shall remain free, her Britannic Majesty guaranteeing their liberty. With regard to such of those negroes, or others, as may be sent in with the detained vessel as necessary witnesses, the government to which they may have been delivered shall set them at liberty as soon as their testimony shall no longer be required, and shall guarantee their liberty.

Where a detained vessel is handed over to a cruiser of her own nation, an officer in charge, and other necessary witnesses and proofs, shall accompany the vessel.

ARTICLE IV

It is mutually agreed that the instructions for the ships of the navies of both nations destined to prevent the African slave trade, which are annexed to this convention, shall form an integral part thereof, and shall have the same force and effect as if they had been annexed to the treaty of the 7th of April, 1862, in lieu of the instructions forming annex A to that treaty.

ARTICLE V

In all other respects the stipulations of the treaty of April 7, 1862, shall remain in full force and effect until terminated by notice given by one of the high contracting parties to the other, in the manner prescribed by Article XII thereof.

ARTICLE VI

The high contracting parties engage to communicate the present convention to the mixed courts of justice, and to the officers in command of their respective cruisers, and to give them the requisite instructions in pursuance thereof, with the least possible delay.

ARTICLE VII

The present additional convention shall have the same duration as the treaty of the 7th of April, 1862, and the additional article thereto of the 17th of February, 1863.³ It shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

³TS 127, *ante*, p. 152.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington, the third day of June, in the year of our Lord one thousand eight hundred and seventy.

HAMILTON FISH [SEAL]

EDWD. THORNTON [SEAL]

Annex to the Additional Convention between the United States of America and Great Britain, for the Suppression of the African Slave Trade, Signed at Washington on the Third Day of June, 1870

INSTRUCTIONS FOR THE SHIPS OF THE UNITED STATES AND BRITISH NAVIES
EMPLOYED TO PREVENT THE AFRICAN SLAVE TRADE

ARTICLE I

The commander of any ship belonging to the United States or British navy, which shall be furnished with these instructions, shall have a right to search and detain any United States or British merchant vessel which shall be actually engaged, or suspected to be engaged, in the African slave trade, or to be fitted out for the purposes thereof, or to have been engaged in such trade during the voyage in which she may be met with by such ship of the United States or British navy; and such commander shall thereupon bring or send such merchant vessel (save in the case provided for in Article V of these instructions) as soon as possible for judgment, in the manner provided by Article III of the additional convention of this date, that is to say:

In the case of an American vessel searched and detained as aforesaid by a British cruiser, she shall be sent to New York or Key West, whichever shall be most accessible, or be handed over to an United States cruiser, if one should be available in the neighborhood of the capture.

In the case of a British vessel searched and detained as aforesaid by an United States cruiser, she shall be sent to the nearest or most accessible British colony, or shall be handed over to a British cruiser, if one should be available in the neighborhood of the capture.

ARTICLE II

Whenever a ship of either of the two navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be searched under the provisions of the treaty of the 7th of April, 1862, and of this additional convention, the search shall be conducted with the courtesy and consideration which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy, or by the officer who at the time shall be second in command of the ship by which such search is made.

ARTICLE III

The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained the master, the mate, or boatswain, two or three at least of the crew, and all the cargo. The captor shall, at the time of detention, draw up in writing a declaration, which shall exhibit the state in which he found the detained vessel; such declaration shall be signed by himself, and shall be given or sent in with the detained vessel, to be produced as evidence in the proper court.

He shall deliver to the master of the detained vessel a signed and certified list of the papers found on board the same, as well as a certificate of the number of negroes or other persons destined for slavery, who may have been found on board at the moment of detention.

In the declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, and in the certificate of the number of negroes or others destined for slavery who may be found on board the detained vessel, he shall insert his own name and surname, the name of the capturing ship, and the latitude and longitude of the place where the detention shall have been made.

The officer in charge of the detained vessel shall, at the time of delivering the vessel's papers and the certificate of the commander into court, deliver also a certificate, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, and her cargo, between the time of her detention and the time of delivering in such paper.

Where a detained vessel is handed over to a cruiser of her own nation, an officer in charge, and other necessary witnesses and proofs, shall accompany the vessel.

ARTICLE IV

All the negroes or others (necessary witnesses excepted) who may be on board either an American or a British detained vessel, for the purposes of being consigned to slavery, shall be handed over by the commander of the capturing ship to the nearest British authority.

ARTICLE V

In case any merchant vessel detained in pursuance of the present instructions should prove to be unseaworthy, or in such a condition as not to be taken in for adjudication as directed by the additional convention of this date, the commander of the detaining cruiser may take upon himself the responsibility of abandoning or destroying her, provided the exact causes which made such a step imperatively necessary be stated in a certificate verified on oath. Such certificate shall be drawn up and formally executed

by him in duplicate at the time, and shall be received as prima facie evidence of the facts therein stated, subject to rebuttal by counter proof.

In case of the abandonment or destruction of a detained vessel, the master and crew, together with the papers found on board, and other necessary proofs and witnesses, and one of the certificates mentioned in the preceding paragraph of this article, shall be sent and delivered at the earliest possible moment to the proper court before which the vessel would otherwise have been sent. Upon the production of the said certificate, the court may proceed to adjudicate upon the detention of the vessel in the same manner as if the vessel had been sent in.

The negroes or others intended to be consigned to slavery shall be handed over to the nearest British authority.

The undersigned plenipotentiaries have agreed, in conformity with the IVth article of the additional convention, signed by them on this day, that the present instructions shall be annexed to the said convention, and be considered an integral part thereof.

Done at Washington, the third day of June, in the year of our Lord one thousand eight hundred and seventy.

HAMILTON FISH [SEAL]
EDWD. THORNTON [SEAL]